

## *St. Louis City Ordinance 64640*

FLOOR SUBSTITUTE

BOARD BILL NO. [98] 277

INTRODUCED BY ALDERMAN JOSEPH RODDY

An ordinance recommended by the Board of Public Service to vacate public surface rights for vehicle, equestrian and pedestrian travel in Berthold Avenue beginning at a point approximately 403 feet east of East Road and continuing eastwardly for approximately 225 feet and in the 15 foot wide "L" shaped alley in City Block 3996 same bounded by Berthold, Bro. Thornton Way, Manchester, and East Road in the City of St. Louis, Missouri, as hereinafter described, in accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and imposing certain conditions on such vacation.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE: The public surface rights of vehicle, equestrian and pedestrian travel, between the rights-of-way of:

A tract of land being part of Berthold Avenue, 60 feet wide, running between Block 3995 and 3996 of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the intersection of the south line of Berthold Avenue, 60 feet wide, with the east line of the north/south alley in Block 2 of Boulevard and Park Subdivision, a subdivision recorded in Plat Book 18, page 134 of the St. Louis City Records, said point being the southwest corner of a portion of Berthold Avenue vacated by Ordinance No. 63464 and No. 63690; thence along the south line of Berthold Avenue, north 82 degrees 57 minutes 02 seconds west, 227.31 feet to a point; thence leaving said south line, north 7 degrees 02 minutes 58 seconds east, 60.00 feet to a point on the north line of Berthold Avenue, said point being the southwest corner of property conveyed to St. Louis University High School by deed recorded in Book 8153, page 448 of the City of St. Louis Records; thence along the north line of Berthold Avenue, south 82 degrees 57 minutes 02 seconds east, 227.74 feet to a point being the northwest corner of Berthold Avenue vacated by Ordinance No. 63464 and No. 63690; thence along the west line of said vacated Berthold Avenue, south 7 degrees 27 minutes 28 seconds west, 60.00 feet to the point of beginning and containing 13,652 square feet (0.31 acres).

A tract of land being the 15 feet wide north/south alley in Block 2, the 15 feet wide east/west alley in Block 2, and part of the 15 feet wide east/west alley in Block 1 of Boulevard and Park Subdivision, a subdivision recorded in Plat Book 18, page 134 of the St. Louis City Records, situated in Block 3996 of the City of St. Louis, Missouri; said being more particularly described as follows:

Beginning at the intersection of the south line of Berthold Avenue, 60 feet wide, with the east line of said north/south alley in Block 2, said point being the northwest corner of Lot 43 of said Block 2 of Boulevard and Park Subdivision; thence along the east line of said north/south alley, south 7 degrees 27 minutes 28 seconds west, 475.85 feet to the north line of said east/west alley in Block 2, said point being the southwest corner of Lot 29 of said Block 2 of Boulevard and Park Subdivision; thence along the north line of the east/west alley in said Block 2 and said Block 1, south 82 degrees 57 minutes 30 seconds east, 392.40 to a point; thence south 7 degrees 02 minutes 30 seconds west, 15.00 feet to a point on the south line of the east/west alley in said Block 1, thence along the south line of said east/west alley in Block 1 and Block 2, north 82 degrees 57 minutes 30 seconds west, 407.51 feet to the west line of said north/south alley in Block 2; thence along said west line, north 7 degrees 27 minutes 28 seconds east, 490.85 feet to the intersection of the south line of Berthold, as aforementioned; thence along said south line, south 82 degrees 57 minutes 02 seconds east, 15.00 feet to the point of beginning and containing 13,250 square feet (0.30 acres).

are, upon the conditions hereinafter set out, vacated.

SECTION TWO: Vacated area will be used to expand Saint Louis University High School's campus.

SECTION THREE: All rights of the public in the land bearing rights-of-way traversed by the foregoing conditionally vacated alley and street, are reserved to the City of St. Louis for the public including present and future uses of utilities, governmental service entities and franchise holders, except such rights as are specifically abandoned or released herein.

SECTION FOUR: The owners of the land may, at their election and expense remove the surface pavement of said so vacated alley and street provided however, all utilities within the rights-of-way shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

SECTION FIVE: The City, utilities, governmental service entities and franchise holders shall have the right and access to go upon the land and occupation hereof within the rights-of-way for purposes associated with the maintenance, construction or planning of existing or future facilities, being careful not to disrupt or disturb the owners interests more than is reasonably required.

SECTION SIX: The owners shall not place any improvement upon, over or in the land traversed by the rights-of-way without a lawful permit from the City and written consent of the utilities, governmental service entities and franchise holders, present or future; and such consent together with the terms and conditions thereof shall be filed in writing with the Board of Public Service and approved by such Board prior to the undertaking of any such construction concerning the rights-of-way.

SECTION SEVEN: The owners may secure the removal of all or any part of the facilities of a utility, governmental service entity or franchise holder by agreement in writing with such utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the undertaking of such removal.

SECTION EIGHT: In the event that granite curbing or cobblestones are removed within the vacated area, the Department of Streets of the City of St. Louis must be notified and it in turn will remove said curbing or cobblestones at the current removal price.

SECTION NINE: This ordinance shall be ineffective unless within sixty (60) days after its approval, or such longer time as is fixed by the Board of Public Service not to exceed one hundred twenty (120) days from approval or override, the owners of the land subservient to the rights-of-way concerned shall deposit a sum with the Comptroller of the City of St. Louis for the use and benefit of the City Water Division estimated by said Division to be sufficient to cover the full expense of removal and relocation of Water facilities, if any; further, such owner or owners shall within said time deposit an additional sum of money with the Comptroller of the City of St. Louis for the use and benefit of the City Traffic and Transportation Division estimated by said Division to be sufficient to cover the full expense of removal of all lighting facilities, if any; upon such deposit being made to the benefit of the Water Division and the Traffic and Transportation Division, they shall proceed as is reasonably expedient to accomplish all work required and all useful access and occupation shall be accorded, further, such owner or owners shall within said time, deposit an additional sum with the Comptroller of the City of St. Louis estimated by the

said Board as sufficient to defray the expenses required for the adjustment of the City's streets including curbs, sidewalks, driveways, roadway drainage connections and inlets, grading, paving sidewalks and roadways and road signage; provided further that said owners shall, under direction of the Director of Streets of the City of St. Louis, accomplish the aforesaid adjustments, at their own expense, but in the event said owners fail to accomplish such within allowable time, according to the direction of the Director, the Director shall cause the same to be performed and upon his certification of expenses, the Comptroller shall appropriate said deposit, or so much thereof as required to defray such expenses to the City or others; no claims or demands whatever arising out of such vacation or adjustment shall be made or prosecuted by owners, their heirs, successors or assigns; and the Comptroller after determining the total cost of the foregoing to the City shall return any unexpended part of said deposits to the owner or owners.

SECTION TEN: An affidavit stating that all of the conditions of this ordinance have been/will be fulfilled and/or complied with must be submitted to the Board of Public Service for acceptance 365 days (1 year) from the date of the signing and approval of this ordinance. If this affidavit is not submitted within the prescribed time the ordinance will be null and void.

<b>Legislative History</b>				
<b>1ST READING</b>	<b>REF TO COMM</b>	<b>COMMITTEE</b>	<b>COMM SUB</b>	<b>COMM AMEND</b>
<b>01/08/99</b>	<b>01/08/99</b>	<b>STR</b>		
<b>2ND READING</b>	<b>FLOOR AMEND</b>	<b>FLOOR SUB</b>	<b>PERFECTN</b>	<b>PASSAGE</b>
<b>01/29/99</b>			<b>02/05/99</b>	<b>02/05/99</b>
<b>ORDINANCE</b>	<b>VETOED</b>		<b>VETO OVR</b>	
<b>64640</b>				